

**Enrolled Minutes of the Seventy-Seventh Regular or Special Meeting
For the Twenty-Seventh Highland Town Council
Regular Meeting
Monday, December 22, 2014**

Study Session. The Twenty-Seventh Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, December 22, 2014 at 6:30 O'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Bernie Zemen, Mark Herak, Steve Wagner, Konnie Kuiper and Dan Vassar were present. The Deputy Clerk-Treasurer, Kathryn A. Minchuk was present to memorialize the proceedings. A quorum was attained.

General Substance of Matters Discussed.

1. The Town Council discussed the agenda of the imminent regular meeting.
2. The Town Council discussed Ordinance No. 1578 an ordinance to establish wage and salary rates of the Elected Officers, the Non-Elected Officers, and the Employees of the Town of Highland, Indiana. There was a discussion with regards to additions to the ordinance that would amend a some salaries in the police department. It was decided to only introduce Ordinance No. 1578 at the meeting instead of adopting in order to accommodate any adjustments.
3. The Town Council discussed calling a special meeting for Monday, December 29, 2014 to approve Ordinance No. 1578.

The study session ended at 6:57 O'clock p.m.

Regular meeting. The Twenty Seventh Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, December 22, 2014 at 7:02 clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Town Council President, Dan Vassar, presided and the Town Deputy Clerk-Treasurer, Kathryn A. Minchuk, was present to memorialize the proceedings. The meeting was opened with Councilor Steven Wagner reciting the Pledge of Allegiance to the Flag of the United States of America and offering a prayer.

Roll Call: Present on roll call were Councilors Bernie Zemen, Mark A. Herak, Steve Wagner, Konnie Kuiper and Dan Vassar. The Deputy Clerk-Treasurer, Kathryn A. Minchuk was present to memorialize the proceedings. A quorum was attained.

Additional Officials Present: Rhett L. Tauber, Town Attorney; John M. Bach, Public Works Director; Peter T. Hojnicky, Metropolitan Police Chief; Alex M. Brown, CPRP, Parks and Recreation Superintendent; William R. Timmer, Jr., CFOD, Fire Chief; Kenneth J. Mika, Building Commissioner were present.

Also present:

Gina Banks Encumbering Officer and Ed Dabrowski IT Director (Contract) were also present.

Minutes of the Previous Meetings:

The minutes of the regular meeting of 8 December 2014 were approved by general consent.

Special Orders:

1. **Public Hearing:** Proposed Additional Appropriations in Excess of the 2014 Budget for the Gaming Revenue Sharing Fund in the amount of 57,468.00.
 - (a) Attorney verification of Proofs of Publication: The TIMES 11 December 2014. The Town Attorney indicated that the proofs were in compliance with IC 5-3-1.
 - (b) **Public Hearing.** The Town Council President called the hearing to order. There were no public comments. The hearing was closed.
 - (c) Action on **Appropriation Enactment No. 2014-56:** An Enactment Appropriating Additional Moneys in Excess of the Annual Budget for the Gaming Revenue Sharing Fund, all pursuant to I. C. 6-1.1-18, and I. C. 36-5-3-5.

Councilor Herak introduced and moved the consideration of Enactment No. 2014-56 at the same meeting of introduction. Councilor Zemen seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The Enactment could be considered at its same meeting of introduction.

Councilor Herak moved the passage and adoption of Enactment No. 2014-56 at the same meeting of introduction. Councilor Zemen seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The Enactment was passed and adopted at its same meeting of introduction.

**Town of Highland
Appropriation Enactment
Enactment No. 2014-56**

AN ENACTMENT APPROPRIATING ADDITIONAL MONEYS IN EXCESS OF THE ANNUAL BUDGET for the GAMING REVENUE SHARING FUND, ALL PURSUANT TO I.C. 6-1.1-18, and I.C. 36-5-3-5.

WHEREAS, Following a public hearing advertised pursuant to I.C. 5-3-1, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget for the **Gaming Revenue Sharing Fund**;

WHEREAS, It has been determined that such additional appropriations as may be approved by this enactment, will not increase the levies set under I.C. 6-1.1-17, all pursuant to I.C. 36-5-3-5;

NOW, THEREFORE BE IT ENACTED by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Gaming Revenue Sharing Fund** herein named and for the purposes herein specified, subject to the laws governing the same:

GAMING REVENUE SHARING FUND	
Acct. No. 4XX.XX Condit Street Reconstruction Project:	\$ 4,678.00
Acct. No. 4XX.XX 45 th & 5 th Street Improvement Project:	\$ 52,790.00
<i>Total Series:</i>	\$ 57,468.00
Fund Total:	\$ 57,468.00

Section 2. That the Clerk-Treasurer is hereby authorized and instructed to inform the Department of Local Government Finance of this action and that these monies be made available for expenditure pursuant to I.C. 6-1.1-18.

Section 3. That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 *et seq.*

Introduced and Filed on the 22nd Day of December 2014. Consideration on the same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED, ENACTED AND ADOPTED this 22nd Day of December 2014, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

Dan Vassar, President (IC 36-5-2-10)

Attest:

Kathryn A. Minchuk, Deputy
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

2. **Administration of Oath of Office** for Police Officer Candidate **Nicholas S. Vanni**. Police Officer Candidate Vanni were appointed by the Town Board of Metropolitan Police Commissioners at its meeting of 11 December 2014, with the appointment to be effective 21 December 2014 but not earlier than approval.

(a) Action by Town Council determining that the named Candidate Meets the Qualifications for such position, as Determined by the Town Board of Metropolitan Police Commissioners and as now approved by the Highland Town Council.

Councilor Kuiper moved that it be determined that the named candidate meets the qualifications for such position, as determined by the Town Board of Metropolitan Police Commissioners, and now be hereby approved. Councilor Zemen seconded. Upon a roll call vote there were five affirmatives and no negatives. The motion passed. The candidate was found to be qualified.

(b) Administration of Oath. The Deputy Clerk-Treasurer administered the oath of office to Police Officer Candidate Vanni, who swore his oath following the narrative and instruction of the deputy clerk-treasurer.

(c) Presentation of Badges by Metropolitan Police Commission Chair and/or Town Council President or the Metropolitan Police Chief. Metropolitan Police Chief, Pete Hojnicky presented the badge to Police Officer Vanni.

Unfinished Business & General Orders:

1. **Resolution No. 2014-55:** A Resolution Of The Fiscal Body Of The Town Of Highland Fixing The Official Faithful Performance Bond Of The Municipal Fiscal Officer Pursuant to I.C. 5-4-1 et seq.

Councilor Herak moved the passage and adoption of Resolution No. 2014-55. Councilor Wagner seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

Town of Highland
Town Council Resolution
Resolution No. 2014-55

A RESOLUTION of the FISCAL BODY of the TOWN of HIGHLAND FIXING the OFFICIAL FAITHFUL PERFORMANCE BOND of the MUNICIPAL FISCAL OFFICER PURSUANT to I.C. 5-4-1 et seq.

WHEREAS, The Town Council of the Town of Highland serves as both the legislative and fiscal body of the municipality, all pursuant to I.C. 36-1-2-6, I.C.36-1-1-2-9 and I.C. 36-5-2-2;

WHEREAS, The Clerk-Treasurer is required to file an individual surety bond conditioned on the Clerk-Treasurer's faithful performance of the duties of the office of clerk-treasurer, including the duty to comply with I.C. 35-44-1-22 pursuant to I.C. 5-4-1-18(2) with such filing subject to I.C. 5-4-1-9;

WHEREAS, The Highland Town Council now desires to comply with the provisions of law identified herein,

NOW, THEREFORE, BE IT ENACTED by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That the Town Council hereby fixes the Individual surety for the clerk-treasurer for the year **2014** in the amount of Three Hundred Thousand Dollars **(\$300,000)**;

Section 2. That the Town Council hereby finds and determines that the subject amount fixed for the bond is established according to the values and thresholds set forth in I.C. 5-4-18(c), which particularly states in pertinent part:

(a) The amount must equal thirty thousand dollars (\$30,000) for each one million dollars (\$1,000,000) of receipts of the officer's office during the last complete fiscal year before the purchase of the bond, that amount being in Fiscal Year 2013 a net revenue of Forty two million, twenty-six thousand, six hundred fifty dollars and fifty-one cents (\$42,026,650.51) for the purposes of the clerk-treasurer surety; and

(b) The amount may not be less than Thirty Thousand dollars (\$30,000) nor more than Three Hundred Thousand Dollars (\$300,000);

Section 3. That the Clerk-Treasurer be instructed and authorized to procure a surety bond pursuant to this resolution and that the proper officers take such steps as necessary to carry out the objects and purposes of this resolution;

Section 4. That the signature of the proper officer engrossed upon on the surety bond, shall represent the approval by the legislative body as set forth in IC 5-4-1-8(a)(6).

DULY RESOLVED and ADOPTED this 22nd Day of December 2014, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**
Dan Vassar, President

Attest:
Kathryn A. Minchuk
Deputy Clerk-Treasurer

2. **Introduced Ordinance No. 1577:** An Ordinance To Amend The Compensation, Benefits And Personnel Program Of The Municipality, To Be Known As The Compensation And Benefits Ordinance Particularly Modifying the Provisions Involving Overtime for Exempt Salaried Supervisory Personnel, Pursuant To IC 36-1-3 And Other Relevant Statutes. *Councilor Wagner introduced and filed the ordinance at the meeting of December 8, 2014. There was no further action.*

Councilor Wagner moved for the passage and adoption of Ordinance No. 1577. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The ordinance was adopted.

**ORDINANCE NO. 1577
OF THE
TOWN OF HIGHLAND, INDIANA**

AN ORDINANCE TO AMEND THE COMPENSATION, BENEFITS AND PERSONNEL PROGRAM OF THE MUNICIPALITY, TO BE KNOWN AS THE COMPENSATION AND BENEFITS ORDINANCE PARTICULARLY MODIFYING THE PROVISIONS INVOLVING OVERTIME FOR EXEMPT SALARIED SUPERVISORY PERSONNEL, PURSUANT TO IC 36-1-3 AND OTHER RELEVANT STATUTES.

WHEREAS, The Town Council is the fiscal and legislative body of the Town of Highland;

WHEREAS, IC 36-1-3-2 confers upon all local units the powers that they need for the effective operation of government as to local affairs;

WHEREAS, IC 36-1-3-6 (b)(1) prescribes that any such exercise of power shall be authorized through enactment of an ordinance passed by the legislative body; and

WHEREAS, IC 36-1-4, sections 14 and 15 provide in pertinent parts for the establishment of a system of employment for any class of employee and for fixing the level of compensation of its officers and employees; and

WHEREAS, IC 5-10 in several pertinent chapters further authorizes Indiana political subdivisions to participate in and provide for certain compensation plans, and group benefits for its public workforce and officers, some of which have been duly adopted and established by ordinance of the Town; and

WHEREAS, IC 36-5, Chapters 3 and 4 provide additional authority and guidelines for fixing the level of compensation of officers and employees in towns; and

WHEREAS, The Town Council has determined that certain modifications to the program for compensation, benefits and personnel management for its public workforce, consistent with Indiana Statutes, would be of benefit to support and carryout the public purposes of the municipality; and

WHEREAS, The Town Council now desires to authorize and establish such a compensation, benefits and personnel program;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That *Section 3* of the Wage and Salary Ordinance as most recently adopted and amended by the Town Council, shall be construed according to the amendments made by this ordinance, to demonstrate approval by the Town Council of paid overtime for supervisory salaried personnel who are construed as exempt from overtime under the provisions of the Fair Labor Standards Act;

Section 2. That *Section 2.01* of the Compensation and Benefits Ordinance Commonly Known as the Municipal Employees Handbook be repealed in its entirety and replaced with a successor section, to be numbered 2.01, which shall read as follows:

§ 2.01 Exempt Employees

Exempt employees refers to **workers who are** exempt from certain provisions of the Fair Labor Standards Act pertaining to overtime. It also means that you are in a supervisory or professional position and not eligible for overtime payments for work in excess of 40 hours per week, **except as provided by this handbook.**

Exempt Salaried Positions

Director of Public Works	Ass't. Public Works Director
Water & Sewer Supervisor	Street Supervisor
Maintenance Supervisor	Facilities Supervisor
Building Commissioner/Chief Inspector	Deputy Clerk-Treasurer
Superintendent of Parks & Recreation	Park Director
Director of Recreation	Recreation Supervisor(s)
Metropolitan Police Division Commander(s)	Chief of Police
Metropolitan Police Ass't. Div. Commander(s)	Fire Chief
Metropolitan Police Administration Officer(s)	Redevelopment Director
General Supervisor	

Section 2. That *Section 4.03* of the Compensation and Benefits Ordinance Commonly Known as the Municipal Employees Handbook be repealed in its entirety and replaced with a successor section, to be numbered 4.03, which shall read as follows:

§ 4.03 Work Schedules and Overtime Pay

§ 4.03.01 All non-exempt, non-salaried employees will be paid time and one-half the regular rate of pay OR will receive compensatory time at one and one-half the time for all work performed in excess of forty (40) hours per week excluding Police Department personnel as hereinafter provided. For all full-time employees, holidays and vacation days will be counted as hours worked for purposes of calculating your overtime hours provided the vacation leave has been requested and approved at least 48 hours before the beginning of the work week. Other time off of work shall not count toward overtime. Overtime pay will be computed in fifteen-minute increments. ~~Except as otherwise provided, Exempt salaried employees will not may receive overtime pay or compensatory time off, unless specifically authorized by the Town Council or proper board of jurisdiction.~~

§ 4.03.02 Except as provided in Section 4.03.03, with the approval of the department head, all salaried supervisory personnel exempt from the Fair Labor Standards Act may be scheduled and receive appropriate overtime pay or compensatory time off. Such pay will not be calculated at any time and one half premium but rather at the straight time hourly calculation of the particular worker's composite pay, unless otherwise provided in this handbook or the wage and salary ordinance.

§ 4.03.03 No department head may receive overtime pay or compensatory time off, without the express written permission of the President or Chair of the relevant Board of Jurisdiction.

§ 4.03.04 In all cases, when the overtime assignment involves a task or duty that is not part of the regular task or duty associated with the exempt supervisory worker, the rate of pay must authorized in an ordinance of the Town Council.

§ 4.03.02 05 Patrol Division Police Officers work on a twenty-four day work cycle beginning with the first day of the cycle on a 4 days on and 2 days off schedule with an 8.5 hour work day, 39.88 hour work week. Pursuant to the Fair Labor Standards Act (FLSA), the maximum number of hours to be worked prior to time and one-half compensation for overtime is 147 hours for the twenty-four day work cycle.

§ 4.03.03 06 Criminal Investigations Division Police Officers and officers assigned to administration and specialty positions (School Resource Officer, Technology & Training Officer, Support Services Administrator, etc.) work on a 5 days on 2 days off schedule with an 8 hour work day, 40 hour work week in a twenty-eight (28) day work cycle beginning on a Monday and ending on a Saturday of the twenty-eighth day of the cycle. No additional compensation will be given for the disparity between this schedule and the schedule for the Patrol Division.

§ 4.03.04 07 Criminal Investigations Division officers and other officers assigned to a twenty-eight day work cycle must work one hundred seventy-one (171) physical hours before being paid at time and one-half during the twenty-eight day cycle. Any overtime hours under one hundred seventy-two (172) will be paid at straight time. Straight-time (hour for hour) in the form of compensatory time or the employee's hourly rate of pay, will be given for overtime worked up to the FLSA maximums, at which the rate of payment will be one and one half time, in the form of compensatory time or the employee's hourly rate of pay, for those hours worked above the maximums as set forth in the FLSA overtime rules.

§ 4.03.05 08 Criminal Investigations Division (CID) officers may be assigned duties by the Chief of the Metropolitan Police Department in which the CID officer may be in coordinated schedule with Patrol Division. In such a case, the Criminal Investigations Division officers may be subject to the work cycle of the patrol division as directed by the Chief.

§ 4.03.06 09 An Officer who is on authorized assignment to a multi-agency Federal, State and Local Law Enforcement agency will work on a seven-day work cycle beginning with the first day of the seven-day workweek. Such an officer must work forty-three (43) physical hours before being paid at time and one-half during the seven-day cycle. Any overtime hours under forty-three (43) will be paid at straight time.

§ 4.03.07 Police Department ~~radio operators~~ **Lead Support Services Clerk, Support Services Clerks, Support Services Training Coordinator** who work a 40 hour work week and are eligible for overtime after 40 hours, subject to the same restrictions as other regular employees. They differ from other departmental civilian hourly employees only where holidays are concerned. Their holidays are scheduled rather than taken off on the holiday itself.

§ 4.03.08 10 The schedule for employees of the Parks and Recreation Department may deviate from a five (5) consecutive day work week to accommodate staffing needs for recreation programs and special events as directed by the Superintendent of Parks & Recreation, his or her designee.

§ 4.03.09 11 Regular full-time Town employees who are also members of the Highland Fire Department shall not be entitled to additional compensation when responding to fire or ambulance calls while on duty at their regular full-time position. When responding to emergency calls or participating in training outside of the normal workday, they shall be compensated at an hourly rate prescribed by the Wage and Salary Ordinance. When assigned to station work outside of the normal workday that is equivalent to work performed for the Town, they shall be compensated at hourly rates as required by the Fair Labor Standards Act.

Section 3. That this ordinance is to be construed as a companion ordinance complimentary to any ordinance passed from time to time establishing wages and rates of pay and known as the salary ordinance;

- (a) That this ordinance shall be effective to the extent that it is not in conflict with Federal or State law;
- (b) That all other ordinances and resolutions related to the subject matter of this ordinance and not in conflict with its provisions, and the enabling instruments dealing with public employee retirement plans, remain in full force and effect;
- (c) That all other ordinances and resolutions in conflict with the provisions of this ordinance are hereby repealed and have no further force or effect;

Section 4. That this ordinance shall become and remain in full force and effect from and after the date of its passage and adoption upon its signature by the executive as attested thereto by the clerk-treasurer, in the manner prescribed by IC 36-5-2-10(a).

Introduced and Filed on the 8th day of December 2014. Consideration on same day or at same meeting of introduction was not sought, pursuant to IC 36-5-2-9.8.

DULY ORDAINED and ADOPTED this 22nd Day of December 2014, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**
Dan Vassar, President (IC 36-5-2-10)

Attest:

Kathryn A. Minchuk
Deputy Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

- 3. Proposed Ordinance No. 1578:** An Ordinance to Establish the Wage and Salary Rates of the Elected Officers, the Non-Elected Officers, and the Employees of the Town of Highland, Indiana.

Councilor Wagner introduced and filed Ordinance No. 1578. There was no further action.

**ORDINANCE No. 1578
of the
TOWN of HIGHLAND, INDIANA**

AN ORDINANCE to ESTABLISH THE WAGE and SALARY RATES of the ELECTED OFFICERS, the NON-ELECTED OFFICERS, and the EMPLOYEES of the TOWN of HIGHLAND, INDIANA and to AMEND PROVISIONS IN THE COMPENSATION and BENEFITS ORDINANCE, As REQUIRED.

- 4. Resolution No. 2014-57:** A Resolution Regarding the Disposition of Appropriated Resources in the Building and Inspection, Plan Commission and Advisory Board of Zoning Appeals Departments, Authorizing its transfer to the **Unsafe Building Fund**, pursuant to I.C. 36-7-9 et seq.

Councilor Zemen moved the passage and adoption of Resolution No. 2014-57. Councilor Wagner seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**TOWN COUNCIL of the TOWN of HIGHLAND
RESOLUTION NO. 2014-57**

A Resolution Regarding the Disposition of Appropriated Resources in the Building and Inspection Department, Authorizing its transfer to the Unsafe Building Fund, pursuant to I.C. 36-7-9 et seq.

WHEREAS, The Town of Highland by proper legislative action, has established an unsafe building fund, pursuant to IC 36-7-9-14, codified as Section § 210.116 of the Highland Municipal Code;

WHEREAS, Indiana Code 36-7-9-14 (b) provides that money for the unsafe building fund may be received from any source, including appropriations by local, state and federal governments and donations;

WHEREAS, The Town Council did identify appropriations that may be transferred to the Unsafe Building Fund in the budget of the Building and Inspection Department of the Corporation General Fund;

WHEREAS, The Building Commissioner as zoning administrator and responsible officer for the enforcement of the unsafe building law, has requested and recommended the identified amount be transferred to the unsafe building fund;

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Highland, Lake County, Indiana as follows:

Section 1. That for the expenses of said municipality, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes herein specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

Section 2. That it has been shown that certain existing appropriations of the **Building and Inspection Department, Plan Commission Department and the Advisory Board of Zoning Appeals Department** of the Corporation General Fund have unobligated balances which will not be needed at this time for the purposes for which appropriated, so it will not be necessary to increase the 2014 budget, and may be transferred to a category of appropriation not heretofore present in this department or office of the fund, but now hereby authorized and established, as follows:

CORPORATION GENERAL FUND

Building and Inspection Department

Reduce Accounts:	
Acct. 310.02 Engineering Fees:	\$ 1,123.00
Acct. 340.23 Health/Medical Insurance	\$ 26,500.00
Acct. 360.01 Equipment Repairs	\$ 75.00
Acct. 380.06 Service Agreements	\$ 100.00
Acct. 390.14 Grace Nuisance Enforcement	<u>\$ 3,660.00</u>
Total Reductions:	\$ 31,458.00
Increase Account:	
Acct. 310.05 Unsafe Building Fund Transfer:	\$ 31,458.00

Plan Commission Department

Reduce Accounts:	
Acct. 200.01 Stationary and Printing	\$ 100.00
Acct. 200.03 misc. supplies	\$ 225.00
Acct. 310.01 Legal Fees	\$ 10,000.00
Acct. 310.02 Engineering Fees	\$ 14,700.00
Acct. 310.03 Consultant Fees	\$ 450.00
Acct. 320.01 Postage Fees	\$ 450.00
Acct. 330.01 Legal Notices	<u>\$ 110.00</u>
Total Reductions:	\$ 26,035.00
Increase/Establish an Account:	
Acct. 310.05 Unsafe Building Fund Transfer:	\$ 26,035.00

Advisory Board of Zoning Appeals Department

Reduce Accounts:	
Acct. 200.03 Misc. Supplies	\$ 180.00
Acct. 310.01 Legal Fees	\$ 2,450.00
Acct. 320.01 Postage Fees	\$ 60.00
Acct. 330.01 Legal Notices	<u>\$ 100.00</u>
Total Reductions:	\$ 2,790.00
Increase/Establish an Account:	
Acct. 310.05 Unsafe Building Fund Transfer:	\$ 2,790.00

Section 3. That for the expenses of said municipality, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes herein specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

Section 4. That the Clerk-Treasurer be and is hereby directed to transfer in the following identified amounts **from** the Town of Highland **Building and Inspection Department, Plan Commission Department** and the **Advisory Board of Zoning Appeals Department** of the Corporation General Fund and deposit the proceeds to the credit of the **Unsafe Building Fund** as follows:

CORPORATION GENERAL FUND

Building and Inspection Department	
Acct. 310.05 Unsafe Building Fund Transfer:	\$ 31,458.00

Plan Commission Department	
Acct. 310.05 Unsafe Building Fund Transfer:	\$ 26,035.00

Advisory Board of Zoning Appeals Department	
Acct. 310.05 Unsafe Building Fund Transfer:	\$ 2,790.00

UNSAFE BUILDING FUND

Increase cash (unappropriated) balance on deposit to the fund:	\$60,283.00
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Section 5. That the Clerk-Treasurer as the disbursing and fiscal officer of the Municipality, is hereby instructed, authorized and directed to take such steps as necessary to carry out the purposes of this resolution..

Section 6. That the money transferred may be expended from the Unsafe Building Fund, for purposes permitted by law, and after its appropriation in the manner set forth in IC 6-1.1-18.

DULY RESOLVED and ADOPTED this 22nd Day of December 2014 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**
Dan Vassar, President (IC 36-5-2-10)

Attest:
Kathryn A. Minchuk
Deputy Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

5. **Commendation Letter for Day Off and Signature Authorization.** Action to approve a Letter of Commendation for exemplary public service leading to the award of a single paid day off for Officer Richard Hoffman in the metropolitan police department. Pursuant to Section 4.13 of the Compensation and Benefits Ordinance, for the day off to be effective requires the approval of the board of jurisdiction and the Town Council. The Town Board of Metropolitan Police Commissioners has granted preliminary approval to a letter of commendation regarding Officer Hoffman. *Action should include approval of the letter and for the members of the Town Council to sign the letters of commendation.*

Councilor Wagner moved the approval of the Commendation Letter permitting a paid day off and the authorization of the Town Councilors signatures upon the missives for Officer Richard Hoffman. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The commendation letter and the authorization for Councilors to sign the missives were approved.

6. Action to approve *compensatory time off* for Exempt Salaried Personnel, pursuant to Section §4.03.01 of the Compensation and Benefits Ordinance. This waives the provisions of Section § 2.01 of the Compensation and Benefits Ordinance, occurring January 2 through December 18, 2014.

Patrick L. Vassar: 51.5 hours Previously Approved: 238 hours. Seeking to carry forward 72 hours to 2015.

George Georgeff: 73 hours Previously Approved: 148.5 hours.
Seeking to carry forward 24 hours to 2015.

Ralph Potesta: 31.5 hours Previously Approved: 134.5 hours
Seeking to carry forward 54.5 hours to 2015.

Peter T. Hojnicky: 28 hours Previously Approved: 198 hours.
Seeking to carry forward 87 hours to 2015.

(This would be for hours worked January 2, 2014 through December 18, 2014)

Councilor Herak moved to approve the paid time off as requested for Commander Georgeff, Commander Potesta and Metropolitan Police Chief, Hojnicky. Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The compensatory time was approved.

Councilor Herak moved to approve the paid time off as requested for Assistant Chief Pat Vassar. Councilor Zemen seconded. Upon a roll call vote, there were four affirmatives, no negatives and one abstention. With Councilors Zemen, Herak,

Wagner and Kuiper voting in the affirmative, and Council President Vassar abstaining, the motion passed. The compensatory time was approved.

7. Action to approve purchase of up to **one-week of vacation time in lieu of time off**, pursuant to Section §5.02.09 of the Compensation and Benefits Ordinance.

7.1 The Metropolitan Police Chief requests favorable action for P. Hojnicky, requests the Town to purchase 5 days in the amount of \$1,484.66.

7.2 The Metropolitan Police Chief requests favorable action for P. Vassar, who wishes the Town to purchase 5 days in the amount of \$1,287.09.

7.3 The Metropolitan Police Chief requests favorable action for R. Potesta, wishes the Town to purchase 4 days in the amount of \$1,029.68.

7.4 The Metropolitan Police Chief requests favorable action for M. O'Donnell, who wishes the Town to purchase 1 day in the amount of \$244.00.

Councilor Herak moved to approve the purchase of up to one-week of vacation time in lieu of paid time off as requested for Officer O'Donnell, Commander Potesta and Metropolitan Police Chief, Peter Hojnicky. Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The purchase of up to one-week vacation time in lieu of paid time off was approved.

Councilor Vassar moved to approve the paid time off as requested for Assistant Chief Pat Vassar. Councilor Wagner seconded. Upon a roll call vote, there were four affirmatives, no negatives and one abstention. With Councilors Zemen, Herak, Wagner and Kuiper voting in the affirmative, and Council President Vassar abstaining, the motion passed. The compensatory time was approved.

8. Action to approve purchase of compensatory time earned by a NON-EXEMPT Salaried worker.

The Metropolitan Police Chief requests favorable action for M.O'Donnell, who wishes the Town to purchase 32 hours of compensatory time, accrued at his hourly rate of \$30.50 in the amount of \$976.00. (Under the Fair Labor Standards Act, this is a liability that he is due.)

Councilor Wagner moved to approve the purchase of compensatory time earned by a non-exempt salary worker as requested for Officer O'Donnell. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The purchase of 32 hours of compensatory time was approved.

9. **Works Board Order No. 2014-38:** An Order Approving and Authorizing the Metropolitan Police Chief to enter into a Purchase Agreement with the Bradford Systems Corporation of Bensenville, IL through the State of Indiana to purchase supplies and equipment pursuant to Section 3.05 of the Highland Municipal Code and I.C. 5-22.

Councilor Herak moved the passage and adoption of Works Board Order No. 2014-38. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**Town of Highland
Board of Works
Order of the Works Board 2014-38**

An Order Approving and Authorizing the Metropolitan Police Chief to enter into a Purchase Agreement with the Bradford Systems Corporation of Bensenville, IL through the State of Indiana to purchase supplies and equipment pursuant to Section 3.05 of the Highland Municipal Code and I.C. 5-22.

Whereas, The Town of Highland Metropolitan Police Department, as part of its public duties, has a responsibility for patrol, public safety and protection of life and property throughout the Town of Highland and, from time to time, it is necessary to purchase and or lease materials and supplies in order to carry out the functions of the department; and

Whereas, The Metropolitan Police Chief has determined a need to replace certain equipment and supplies and has further determined the purchase price will be below \$150,000.00.

Whereas, The Metropolitan Police Chief has identified Bradford Systems Corporation of Bensenville, IL through the State of Indiana to be a desirable source vendor for the purchase of supplies and equipment at a price of \$79,350.00;

Whereas, The price for the purchase exceeds \$50,000.00 and, pursuant to Section 3.05.040 (C) as well as Section 3.05.050 (B)(1)(b) of the Highland Municipal Code requires the express approval of the purchasing agency; and

Whereas, The Town Council as the Works Board of the Municipality, pursuant to Section 3.05.030 (A)(1)(b) of the Highland Municipal Code serves as the purchasing agency for the Metropolitan Police Department; and

Whereas, The Metropolitan Police Chief, pursuant to Section 3.05.050 (D)(2) of the Highland Municipal Code, serves as the Purchasing Agent for the Metropolitan Police Department; and

Whereas, The Purchasing Agent, pursuant to Section 3.05.060 (F)(1)(4)(5) of the Highland Municipal Code, therefore, would like to purchase in the equipment in accordance with 3.05.060 (F)(5) of the Highland Municipal Code; and

Whereas, The purchase of the equipment and supplies will be supported by the duly approved appropriation in the Metropolitan Police Department Corporation General Fund;

Whereas, The Town Council now desires to approve and authorize the Police Chief to complete the purchase pursuant to the terms and stated herein,

Now, Therefore Be It Ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board of Municipality:

Section 1. That the Works Board hereby authorizes and approves the purchase from Bradford Systems Corporation of Bensenville, IL as a desirable source vendor for the purchase of the equipment and supplies at a total price of \$79,350.00, pursuant to IC 5-22 and Section 3.05.06 (F)(3)(5) of the Highland Municipal Code;

Section 2. That the Works Board hereby finds and determines that the purchase as an individual purchase represents a duly executed purchase pursuant to IC 5-22 and Section 3.05.06 (F)(4)(5) of the Highland Municipal Code and notes the quote of Midwest Storage Systems in the amount of \$88,325 as well the quote of the Caspar Corporation in the amount of \$85,775, making the quote from Bradford Systems the lowest most responsive and responsible quote;

Section 3. That the Metropolitan Police Chief is now authorized and approved to execute the purchase agreement and any additional documents in order to implement this purchase and then file these documents as financial materials with the Office of the Clerk-Treasurer, pursuant to IC 36-5-4-14.

Be It So Ordered.

DULY, PASSED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 22nd day of December 2014 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Dan Vassar, President (IC 36-5-2-10)

Attest:
Kathryn A. Minchuk

Deputy Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

10. Action on Property, Commercial and other non-health insurance lines for the Town of Highland for FY 2015 as presented by Crowel Insurance Agency. Crowel Insurance Agency has proposed a total cost of **\$234,093**, representing \$50,424 for property, \$86,320 for Automobile liability, \$10,293, \$3,000 for Inland Marine/EDP and Wrongful Practices Liability and \$82,754 for Public agency Multi-Class Liability. The prior year was \$230,419. The current increase is 1.6%.

Councilor Zemen moved to accept the proposal and approve the agreement for the Insurance lines as proposed by Crowel Agency, Inc. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The proposal was approved.

11. **Works Board Order No. 2014-39:** An Order Authorizing and approving an agreement between The Idea Factory and the Town of Highland to perform professional communications and media design and development services for the municipality.

Councilor Zemen moved the passage and adoption of Works Board Order No. 2014-39. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**The Town of Highland
Board of Works
Order of the Works Board No. 2014-39**

AN ORDER AUTHORIZING AND APPROVING AN AGREEMENT BETWEEN THE IDEA FACTORY AND THE TOWN OF HIGHLAND TO PERFORM PROFESSIONAL COMMUNICATIONS AND MEDIA DESIGN AND DEVELOPMENT SERVICES FOR THE MUNICIPALITY

Whereas, The Town of Highland, through its Town Council, which is the Works Board of the Municipality has heretofore determined that a need exists to provide greater information to the public regarding the operations and services of the municipality;

Whereas, The Town has heretofore determined that a need exists to engage professional communications and media design and development services to assist and support the provision of greater information to the public regarding the operations and services of the municipality;

Whereas, Robin A. Carlascio and Theresa K. Badovich, d.b.a The Idea Factory, a media development and design, communication consulting alliance, has proposed to provide professional editorial services to assist and support the provision of greater information to the public regarding the operations and services of the municipality through the development and promulgation of a municipal newsletter;

Whereas, As purchasing agency, the Town Council may purchase services using any procedure it considers appropriate, pursuant to IC 5-22-6-1; and

Whereas, The Highland Municipal Code provides that, the Town Council may make all contracts for professional services on the basis of competence and qualifications for the type of services to be performed, and negotiate compensation that the public agency determines to be reasonable, pursuant to Section 3.05.090; and

Whereas, There are now or will soon be sufficient and available appropriations balances on hand to support the payments for these services under the agreement, pursuant to IC 5-22-17-3(e); and

Whereas, The Town of Highland, through its Town Council acting as the Works Board now desires to accept and approve the agreement for services as herein described.

Now Therefore be it Ordered by the Town Council of the Town of Highland, Lake County, Indiana;

Section 1. That the agreement (incorporated by reference and made a part of this Order) between **Robin A. Carlascio** and **Theresa K. Badovich** doing business as the **Idea Factory**, and the Town of Highland, provide professional editorial services to assist and support the provision of greater information to the public regarding the operations and services of the municipality through the development and promulgation of a municipal newsletter for the period beginning **1 January 2015 through to 31 December 2015** as described herein is hereby approved, adopted and ratified in each and every respect;

Section 2. That the charges under the agreement for the services, in the amount of \$1,750 per issue, which include publishing and coordinate a monthly newsletter to be distributed as an insert in the monthly utility invoice and other related services and website maintenance and services in the amount of \$125.00 per week are found to be reasonable and fair, all pursuant to IC 5-22-6-1 and Section 3.05.090 of the municipal code;

Section 3. That the charges under the terms of the agreement for all the services, will be paid to *The Idea Factory*, after presentation of an invoice for services, following their delivery;

Section 4. That the Town Council President be authorized to execute this agreement under the terms of this order with his signature as attested thereto by the Clerk-Treasurer;

Section 5. That the Town Council President must approve a preliminary edition of the newsletter at least two weeks prior to publication.

Be it so Ordered.

DULY, PASSED, ADOPTED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 22nd day of December 2014 having passed by a vote of 5 in favor and 0 opposed.

**WORKS BOARD of the TOWN of
HIGHLAND, INDIANA**

Dan Vassar, President (IC 36-5-2-10)

Attest:

Kathryn A. Minchuk
Deputy Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

AGREEMENT

This Agreement made and entered into this 22nd day of December 2014, by and between the **TOWN OF HIGHLAND, BY AND THROUGH ITS TOWN COUNCIL** (hereinafter referred to as the "Town"), and **ROBIN CARLASCIO and THERESA BADOVICH d/b/a THE IDEA FACTORY** (hereinafter referred to as "Idea Factory").

WITNESSETH THAT:

WHEREAS, The Town is interested engaging the services of Idea Factory for publishing and coordinating a monthly newsletter (Gazebo Express) to be distributed throughout the Town; and

WHEREAS, Idea Factory is interested in entering into such an agreement and engaging its services to publish and coordinate a monthly newsletter within the Town; and

WHEREAS, The parties wish to reduce their agreement to writing;

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, it is agreed as follows:

1. Idea Factory agrees to publish and coordinate a monthly newsletter (Gazebo Express) to be distributed in the Town of Highland.
2. The term of this Agreement shall be for one (1) year beginning January 1, 2015, through December 31, 2015. This Agreement may be renewed by the Town of Highland from year to year based upon approval of the renewal term by the Town at the beginning of each fiscal year.
3. Idea Factory shall be paid for its services rendered pursuant to this Agreement, the sum of \$1,750.00 per issue **as well as the website maintenance fee of \$125 per week** and the monthly fees shall be payable to The Idea Factory at its business address, **1 Courthouse Square, Suite 207, Crown Point, Indiana 46307**.
4. This Agreement may be cancelled by either party upon such party providing the other party thirty (30) days written notice.
5. In the event the Town's appropriations are insufficient to pay the expenses of this Agreement, and upon thirty (30) days written notice being given by the Town to Idea Factory, this Agreement shall become null and void.
6. This Agreement shall be governed by the laws of the State of Indiana and shall be binding upon the parties' heirs, legal representatives, successors, and assigns.

7. That the Town Council President must approve a preliminary edition of the newsletter at least two weeks prior to publication.

IN WITNESS WHEREOF, this Agreement has been entered into between the parties this 22nd day December 2014.

TOWN OF HIGHLAND

THE IDEA FACTORY

By: _____
Dan Vassar, President

Robin Carlascio

Attest: _____
Kathryn A. Minchuk
Deputy Clerk-Treasurer

Theresa Badovich

This instrument prepared by: Rhett L. Tauber, Esq.
Tauber Westland & Bennett P.C.
1415 Eagle Ridge Drive
Schererville, Indiana 46375
(219) 865-8400

Comments or Remarks from the Town Council:

- **Councilor Bernie Zemen:** *Chamber of Commerce Co-Liaison • Liaison to the Park and Recreation Board • Liaison to the Town Board of Metropolitan Police Commissioners.*

Councilor Zemen wished everyone a Merry Christmas.

Councilor Zemen acknowledged the Parks and Recreation Superintendent who reported that the New Year's Eve fireworks would be Wednesday December 31, 2014 and in two weeks the 12th night would take place with weather permitting.

- **Councilor Mark Herak:** *Liaison to the Board of Waterworks Directors • Budget and Finance Chair • Liaison to the Board of Sanitary Commissioners • Liaison to the Community Events Commission.*

Councilor Herak wished everyone a Merry Christmas. He also congratulated Councilor Zemen on the birth of his granddaughter and extended well wishes the Encumbering Officer, Gina Banks and thanked her for her service to the town.

- **Councilor Steve Wagner:** *Liaison to the Advisory Board of Zoning Appeals.*

Councilor Wagner wished everyone a Merry Christmas.

- **Council President Dan Vassar:** *Municipal Executive • Chairman of the Board of Trustees of the Police Pension Fund (1925 Law) • Redevelopment Commission Liaison.*

The Town Council President also wished everyone a Merry Christmas and thanked the department heads and employees for all of their hard work. He also congratulated Councilor Zemen on the birth of his granddaughter and extended well wishes the Encumbering Officer, Gina Banks and thanked her for her service to the town.

Amendment of Agenda. Councilor Herak moved to amend the agenda to request a special meeting on Monday December 29, 2014 at 7:00 p.m. Councilor Kuiper seconded. Upon a

roll call vote, a two-third vote being necessary, there were five affirmatives and no negatives. The motion passed. The agenda was amended as moved.

Approval of Special Meeting. Councilor Herak moved to schedule a special study session at 6:00 p.m. and a Town Council meeting for 7:00 p.m. on Monday December 22, 2014. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed.

Payment of Accounts Payable Vouchers. There being no comments from the public or visitors, Councilor Zemen moved to allow the vendor accounts payable vouchers as filed on the pending accounts payable dockets, covering the periods December 6, 2014 through December 19, 2014. Councilor Wagner seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The accounts payable vouchers for vendors and payroll docket were allowed, payments allowed in advance were ratified, and for all remaining invoices, the Clerk-Treasurer was authorized to make payment.

Vendors Accounts Payable Docket:

General Fund, \$238,126.45; Motor Vehicle Highway and Street (MVH) Fund, \$31,686.81; Local Roads and Streets (LR&S) Fund, \$2,282.50; Law Enforcement Cont. Education and Supply Fund, \$3,226.75; Information and Communications Technology Fund, \$3,268.03; Donation Fund, \$562.50; Cumulative Capital Improvement Fund, \$2,654.35; Cumulative Capital Development Fund, \$28,146.50; General Improvement Fund, \$12.00; Traffic Violations Fund, \$7,333.50; Gaming Revenue Fund, \$6,472.60; Corporation Capital Fund, \$93,980.05 Total: \$ 417,752.04.

Adjournment. Councilor Kuiper moved that the plenary meeting be adjourned. Councilor Zemen seconded. Upon a vote *viva voce*, the motion passed. The regular plenary meeting of the Town Council of Monday, December 22, 2014 was adjourned at 7:29 O'clock p.m.

Kathryn A. Minchuk
Deputy Clerk-Treasurer